

An act to add Section 42008.8 to the Vehicle Code, relating to vehicles,
and making an appropriation therefor.

SECURED
COPY

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42008.8 is added to the Vehicle Code, to read:

42008.8. (a) The Legislature finds and declares that a one-time infraction amnesty program would do all of the following:

(1) Provide relief to individuals who have found themselves in violation of a court-ordered obligation because they are financially unable to pay traffic bail or fines.

(2) Provide increased revenue at a time when revenue is scarce by encouraging payment of old fines that have remained unpaid.

(3) Allow courts and counties to resolve older delinquent cases and focus limited resources on collections for more recent cases.

(b) A one-time amnesty program for fines and bail meeting the eligibility requirements set forth in subdivision (e) shall be established in each county. Unless agreed otherwise by the court and the county in writing, the government entities that are responsible for the collection of delinquent court-ordered debt shall be responsible for implementation of the amnesty program as to that debt, maintaining the same division of responsibility in place with respect to the collection of court-ordered debt under subdivision (b) of Section 1463.010 of the Penal Code.

(c) As used in this section, the term “fine” or “bail” refers to the total amounts due in connection with a specific violation, which include, but are not limited to, all of the following:

(1) Base fine or bail, as established by court order, by statute, or by the court’s bail schedule.

(2) Penalty assessments imposed pursuant to Section 1464 of the Penal Code, and Sections 70372, 76000, 76000.5, 76104.6, and 76104.7 of the Government Code.

(3) Civil assessments imposed pursuant to Section 1214.1 of the Penal Code.

(4) State surcharges imposed pursuant to Section 1465.7 of the Penal Code.

(5) Court security fees imposed pursuant to Section 1465.8 of the Penal Code.

(d) In addition to, and at the same time as, the mandatory one-time amnesty program is established pursuant to subdivision (b), the court and the county may jointly agree to extend that amnesty program to fines and bail imposed for a misdemeanor violation of this code and a violation of Section 853.7 of the Penal Code added to the misdemeanor case otherwise subject to the amnesty. The amnesty program authorized pursuant to this subdivision shall not apply to parking violations and violations of Sections 23103, 23104, 23105, 23152, and 23153 of this code.

(e) A violation is only eligible for amnesty if paragraph (1), (2), or (3) applies, and the requirements of paragraphs (4), (5), and (6) are met:

(1) The violation is an infraction violation filed with the court.

(2) It is a violation of subdivision (a) or (b) of Section 40508 of this code, or a violation of Section 853.7 of the Penal Code added to the case subject to paragraph (1).

(3) The violation is a misdemeanor violation filed with the court to which subdivision (d) applies.

(4) The due date for payment of the fine or bail was on or before January 1, 2013.

(5) The defendant does not owe victim restitution on any case within the county.

(6) There are no outstanding misdemeanor or felony warrants for the defendant within the county, except for misdemeanor warrants for misdemeanor violations authorized by the court and the county pursuant to subdivision (d).

(f) Each amnesty program shall accept, in full satisfaction of any eligible fine or bail, 50 percent of the fine or bail amount, as defined in subdivision (c) of this section. Payment of a fine or bail under an amnesty program implemented pursuant to this section shall be accepted beginning July 1, 2015, and ending December 31, 2016. The Judicial Council shall adopt guidelines for the amnesty program no later than October 1, 2015, and each program shall be conducted in accordance with Judicial Council guidelines. Until the guidelines are adopted by the Judicial Council, each program shall initially be conducted in accordance with the Judicial Council's guidelines adopted pursuant to subdivision (f) of Section 42008.7.

(g) No criminal action shall be brought against a person for a delinquent fine or bail paid under the amnesty program.

(h) (1) The total amount of funds collected under the amnesty program shall, as soon as practical after receipt thereof, be deposited in the county treasury or the account established under Section 77009 of the Government Code. Any unreimbursed costs of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected under the amnesty program by the court or the county that incurred the expense of operating the program. Notwithstanding Section 1203.1d of the Penal Code, the remaining revenues collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed pursuant to Section 1462.5 of the Penal Code.

(2) Notwithstanding Section 1464 of the Penal Code, the amount of funds collected pursuant to this section that would be available for distribution pursuant to subdivision (f) of Section 1464 of the Penal Code shall instead be distributed as follows:

(A) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 82.20 percent of the amount of funds collected pursuant to this section during the preceding month.

(B) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 17.80 percent of the amount of funds collected pursuant to this section during the preceding month.

(i) Each court or county implementing an amnesty program shall file, not later than April 30, 2017, a written report with the Judicial Council, on a form approved by the Judicial Council. The report shall include information about the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. On or before August 31, 2017, the Judicial Council shall submit a report to the Legislature summarizing the information provided by each court or county.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Vehicles: infraction and misdemeanor violations: amnesty.

Existing law requires a county to establish a one-time amnesty program for fines and bail due on or before January 1, 2009, for certain infraction or misdemeanor violations of the Vehicle Code and the Penal Code. Existing law allows a person owing a fine or bail that was eligible for amnesty under this program to pay to the superior or juvenile court 50% of the total fine or bail, as defined, which is required to be accepted by the court in full satisfaction of the delinquent fine or bail. Under existing law, the amnesty program is required to accept these payments from January 1, 2012, until June 30, 2012.

This bill would require a county to establish a similar amnesty program for fines and bail due on or before January 1, 2013, to be conducted in accordance with guidelines provided by the Judicial Council. The bill would require the program to accept payments from July 1, 2015, through December 31, 2016. By requiring each county to establish and operate an amnesty program, this bill would impose a state-mandated local program. The bill would also increase the percentage of specified penalties to be deposited in the Peace Officers' Training Fund and the Corrections Training Fund, which are

continuously appropriated funds. By increasing the amount of money deposited into continuously appropriated funds, this bill would make an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.